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423 themselves if really hungry, provided they leave the cut stalks and sheaves of the maize openly in the field so that the owner may see that a kinsman has 'borrowed' food (*kwashima*), not a mere thief. Gourds or pumpkins may only be picked with the owner's permission. Sweet potatoes and cassava roots, neither reckoned as a staple food, nor regarded as essential substitutes during the hunger season, seem to be dug up much more freely by a man's relatives. Children, in particular, grub up roots from the garden of any near relative on either side of the family, saying indignantly if questioned, 'No, we are not stealing (*tatuleiba*). This is our place here (*tuli kumiesu*).'

684 The theft of millet from gardens does not seem to be a common offence. The grain has got to be pounded before it is eaten, and
●685 this is inconvenient for a casual thief. He prefers to take maize cobs, gourds, or pumpkins, which can be quickly cooked and eaten as a snack, and which ripen in the season when food is short. The penalties for theft vary with the season of the year. If a man steals in the hunger months and comes and explains his predicament his theft is apparently treated lightly, and he is merely asked by the owner to return goods to the value of what he has eaten.[1] But a thief caught red-handed trying to conceal his crime can expect no mercy. In the old days, I was told, he was liable to be speared on the spot, but that if this summary justice was not exacted, he would in any case have to repay the owner far more than the worth of the stolen food, 'perhaps four times as much, because he had made the heart of the gardener hot'.[2] The same is true to-day. In 1930, near Chinsali, a thief suspected of stealing maize cobs over some weeks was finally caught in the act. He paid the owner 12*s.* damages for the theft of two maize cobs on the first occasion, and 7*s.* 6*d.* for one on the second without the case ever coming into court.[3] Another method of punishing a culprit, especially one
681 who has few material possessions with which to compensate for
685 his theft, is to lay a conditional curse on some property of his,
789 i.e. his own garden or granary. This is known as *ukusaka*. In this case the injured party places branches across the entrance to the thief's garden or granary and places a charm on them. He informs

[1] *Vide* rights of a hungry subject to take food from the chief's garden.

[2] Cf. the case of the owner who does not mind his relatives taking his mealies if they do not insult him by concealing the theft.

[3] The maize cobs would be sold at about 3*d.* for a basket of 6 or 8.

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the headman and chief what he has done, and will not consent to remove the curse until he has been fully compensated.[1]

During the harvest season rights of ownership are less strictly exacted, since food itself is plentiful. As one informant said, 'To steal heads of maize is theft because they ripen in the hunger months; to steal heads of Kaffir corn is not theft,' i.e. because there is food at that time.[2]

To protect their distant gardens from theft the Bemba resort to supernatural means only. Protective magic is used, but only to a small extent.[3] It is interesting to find that the Bisa, whose staple crop is cassava, which is readily stolen as it remains in the ground all the year round, regularly place in their gardens charms designed to afflict a possible thief with different types of illness. This custom, known as *ukuamba*, seemed to be universally practised on Cilubi Island. A man leaving home for a period would plant in a prominent place a stake with magic attached to it, and so strong was the belief in its powers that the owner himself was afraid to dig up the cassava on his return without first removing the charm. Among the Bemba, where the staple crop is less frequently stolen, such forms of protective magic seem to be, comparatively speaking, rare. Charms to be burned in a field to produce various diseases such as elephantiasis in garden thieves were described to me, but I never heard frequently of their use. In such cases I was told the culprit could only hope to recover if he confessed his guilt. A far more common practice is the use of a special form of curse, *ukulapishya*, uttered after a theft has been committed, not before. This is done when gourds or pumpkins are disappearing from a garden and the thief is unknown. I have heard such curses uttered constantly during the hunger months, when the pilfering of vegetables is quite frequent, and a woman has no means of guarding them. The usual procedure followed was to announce in a loud shout in the quiet of an evening some such statement as, 'All you people, listen! One of my pumpkins went yesterday and another the day before. Now I am angry. I am really going to curse. To-morrow I am going to curse. Really and truly I am.' On several such

[1] I never came across an actual case in which this was done and think the practice is growing rarer. Cf. also the use of protective magic in gardens.

[2] *Kukontole mise ya nyanje bupupu pantu shilepya pa nsala: kukontole mise ya masaka te bupupu.*

[3] Cf. p. 356.

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681 occasions whispered conversations followed and the theft, often
●685 the heedless act of a child, was confessed next day. Once the head-
789 man himself came to beg the angry woman not to proceed with her threat and himself brought compensation 'so that no one might die in the village'. Many such curses in fact remain as threats and form effective sanctions in that way. When actually uttered they are thought to invoke supernatural powers to punish the culprit. Bemba curse by the High God, Lesa, who is usually believed to strike guilty people with thunderbolts, or they curse by the dead chiefs of the land (*mfumu shye calo*).[1] Such a curse is thought to work automatically and can only be removed when the culprit has confessed and begged for mercy. The curser then gives beads to the spirits and prays, saying, 'You, my chiefs, we didn't understand everything. We beg mercy now. We cursed those children. We did not know. Now have mercy and do not kill them.'[2] The fear of the owner's curse appears to me to act even at the present day as a very efficient means of preventing petty garden thefts during the hunger months.

681 Thus individual ownership of field crops is very clearly defined
685 among the Bemba. It is interesting to note that bush foods are
423 also subject to individual ownership rules whenever it is possible to exert them. Rights over meat and fish are described fully in Chap. XIII, but it is worth mentioning that natives mark as their own trees covered with caterpillar grubs so that they may come and gather them when they have grown sufficiently large and succulent for their taste. The man who first discovers a swarm of wild bees will also mark the tree in which they have settled for his own.

Rights over Granaries.

Control over the contents of the Bemba granary are governed by more complex rules. Roughly speaking, the labour given to the production of the crop gives a man the ultimate right of disposal, but this is subject to the superior claims of certain older relatives and ultimately to that of the chief himself. That is to say, the

[1] For instance, 'A man has stolen my food. I give him to the chief. I give him to Ba Matipa (the tutelary deity of the neighbourhood). Let him (Ba Matipa) come and eat that man' (*Umuntu ulengibila filyo. Nakupe mfumu. Nakupe Ba Matipa. Bese bakulye*). Kasakatula village, near Shiwa Ndandu, 1931.

[2] (*Mwe shyamfumu shyonse. Tatuishibe fyonse. Twapápáta nomba. Twalipishya bana balya. Tatuishibe. Nomba twapapata. Mwilabepaya.*)

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natives are much more free to move about the country than formerly, he would be afraid his subjects would leave him. I have, however, seen a case of a chief borrowing land temporarily. In November 1931 Nkula asked one of the villagers for the use of his garden mounds so that he might sow them with ground-nuts for one season. The word used was *ukuashima*, or 'to borrow', and in this case the original owner of the beds had apparently the right to ask the chief for ground-nuts for the use of his family at any time he pleased. I saw the chief hand him over a large sack on his request. Otherwise the commoner's rights to land he has occupied seem to be respected, and according to native informants the same held good even of the autocratic rulers of pre-European days.

On the other hand it is impossible for a Bemba to cultivate in a chief's territory without the latter's permission. In the old days if one chief trespassed, even unwittingly, on the ground of another, the former had to give a substantial present such as an elephant tusk or a cow to the latter. Nowadays Citimukulu told me he would expect a gift of beer, even if it were a close relative who had made a garden within the boundary of his *icalo*. It is apparently a usual way of picking a quarrel to start cutting trees over another chief's borders, ill-defined though the latter often are. The late Nkula, giving evidence before a white magistrate during a case of disputed succession, said, 'I knew he wanted to claim the stool (i.e. office of chieftainship) because he sent men to cut trees on my land.'

A commoner, as distinct from a fellow chief, has to come and make obeisance to the *mfumu* and ask permission to settle. He usually brings a present to court, and is welcomed as adding to the economic assets of the district. Near Kasama in 1934 I once met Citimukulu touring his villages. Two elderly men from the territory of Makassa, near Abercorn, about 100 miles away, arrived with their younger relatives carrying a gourd of beer. They rolled on the ground and clapped (the usual formal salute) and said they wanted to settle at a certain village, but that the inhabitants were hostile to the suggestion. The Paramount received them with enthusiasm, always keen to add to the number of his subjects. He told them to settle where they wanted to cultivate, and to bring him tribute of what they grew. In the old days failure to get formal permission to cut trees in any *icalo* would have been punished by seizure of half the crop, or the burning of the cut branches

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241 Sometimes a woman works side by side with her husband, piling up branches as he cuts them from the tree. Both may move out into temporary shelters (*imitanda*) built near their gardens, and live there for some weeks together. But the branches are harder to carry when they are heavy with leaves and green sap, and the Bemba reckon that any but a woman who 'loves her husband',[1] i.e. a specially devoted or newly married wife, would prefer to wait till the boughs have dried! The important thing is to finish the work before the end of the hot weather, when the parched bush often bursts into flame, and fires sweep across the gardens before the *ifibula* have been properly stacked. If the work has been delayed into September the man hurries to help his wife, and both carry in the last branches, stacking together in haste. Laggards are sometimes reduced to making several small gardens (*akakumba*, plur. *utukumba*), instead of one or more large ones, piling the boughs where they have fallen from the trees. With the last branch [574] stacked, the family rest. The women begin to enjoy themselves, and go on a round of visits to friends. The country is covered with circular heaps of dried wood waiting through long sultry days for the firing of the bush.

241 *Firing the gardens* (*ukuoce fibula*). The firing of the *icitemene* is an ●685 exciting and important event in the agricultural year. No one may [643] set light to his branches until a special signal has been given by the chief, otherwise one blazing garden might set the whole bush alight and possibly destroy in a day the unstacked branches of countless gardeners. Heavy damages are claimed by a man whose *ifibula* have been burnt before they were ready. In the old days a native who set fire to the bush, whether accidentally or on purpose, had to give up his own *icitemene* in compensation, and if he had destroyed too much property to be able to make the damage good, he became the chief's slave. If the chief's own gardens were burnt, some say the culprit would have been mutilated or beaten; others that he would have been made to work for the chief. Nowadays financial compensation is asked for, and I have records of cases in which sums from 10*s*. to £3. 10*s*. were demanded as a return for what 622 is, after all, the loss of the whole prospect of harvest for the year.

241 The chief must give the signal for the firing of the branches as late as possible in the dry season to give the people time to 643 finish the work, but he must not wait till the rains have fallen

[1] *Aletemwa kuli wiba.*